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Forty-Niner Country Club Estates Homeowners Association
8987 E. Tanque Verde Rd. #309-169
Tucson, AZ 85749-9399

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ARIZONA CORP. COMM.
TUCSON, AZ

Nancy Cole, Supervisor
Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Arizona Corporation Commission

DOCKETED

AUG 29 2002

RE: Forty Niner Water Company
Docket No. W-01777A-02-0547

DOCKETED BY

nuc

Dear Ms. Cole:

Enclosed are the original and 15 copies of the Prepared Direct Testimony of John Malamas, an Intervenor representing the Forty-Niner Country Club Estates Homeowners Association in the above referenced proceedings.

Copies of Mr. Malamas' Testimony are contemporaneously being mailed to the applicant, Forty-Niner Water Company, and the applicants' attorney, Mr. Douglas Lemke.

Thank you for your assistance.

Sincerely,


Jody Elmer,

Encl: a/s

cc: a/s

Prepared Direct Testimony
Of
John Malamas, Chairman,
Water Committee
Forty- Niner's Country Club Estates
Home Owners Association (HOA)

Forty Niner Water Company
Docket No. W-01777A-02-0547

PREPARED DIRECT TESTIMONY

Q. 1 Please state your name and address.

A. 1 John Malamas , 11873 E. Wagon Trail Road, Tucson Arizona, 85749

Q. 2 Are you a customer of Forty Niner Water Company?

A. 2 Yes.

Q. 3 Are you an Intervenor in this proceeding?

A. 3 Yes.

Q. 4 Who do you represent at these proceedings?

A. 4 The Forty-Niner Country Club Estates Home Owners Association. (HOA)

Q. 5 Does the HOA have a position on this matter and, if so, what is their position?

A. 5 Yes. The HOA concurs with the requested increase, however, the HOA feels that the increase should apply equally to all customers, including the 49er Golf Course, just as the ACC decided on in a similar case in July 2001 (Docket No. W-01777A-00-0816) for the same company.

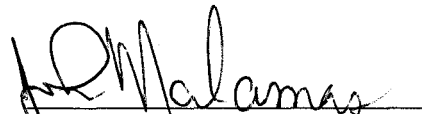
Q. 6 What is the basis for the HOA's position?

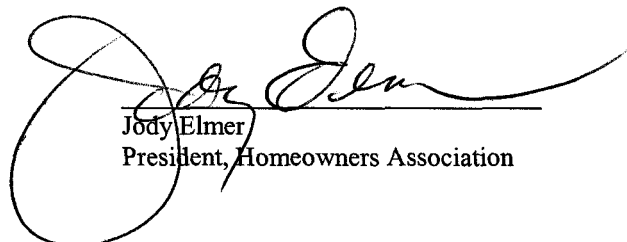
A. 6 Over 50% of the groundwater withdrawn this year from the Tanque Verde Aquifer by the Forty-Niner Water Company was used to irrigate the 49er Golf Course; therefore, it bears as much responsibility as does the domestic customers for the need to purchase water from Tucson Water Company on an emergency basis for which the Forty-Niner Water Company now seeks reimbursement.

Q. 7 Does that conclude your initial testimony?

A. 7 Yes, it does.

This testimony was taken on the 30th day of August, 2002 by Jody Elmer, President, 49er Country Club Estates Homeowners Association.


John Malamas


Jody Elmer
President, Homeowners Association